

REPORT - PLANNING COMMISSION MEETING
June 10, 2004

Project Name and Number: Bay Street Planned District and Bay Street Design Guidelines and Streetscape Plan (PLN2004-00277)

Applicant: City of Fremont

Proposal: To consider a rezoning from C-C (I) Community Commercial Irvington Overlay District to a Preliminary Planned District and to consider recommending approval of the Bay Street Design Guidelines and Streetscape Plan

Recommended Action: Recommend to City Council

Location: Includes properties generally located on Bay Street between Fremont Boulevard and Chapel Way and on Papazian Way between Fremont Boulevard and Bay Street in the Irvington Planning Area. The Planned District also includes a portion of the Monument Shopping Center - a 74' deep strip of land adjacent to Bay Street. The proposed Planned District does not include the Bridgeway East parcel (separate Planned District, P-2002-91) or the Monument Plaza Park at the corner of Fremont Boulevard and Bay Street.

Assessor Parcel Numbers: 525-670-13-2, 525-670-12-2, 525-670-16-2, 525-670-7-7, 525-670-8-2, 525-670-6-10, 525-670-6-8, 525-670-6-12, 525-670-5, 525-670-4-2, 525-670-4-1, 525-670-3, 525-670-2-2, 525-670-2-1, 525-680-6, 525-680-7-1, 525-680-8-5, 525-680-8-3, 525-680-1-64, 525-680-1-7, 525-680-1-26, 525-680-1-25, 525-680-1-16, 525-680-1-24, 525-680-1-23, 525-680-1-19, 525-680-1-22, 525-680-1-22, 525-680-1-29, 525-680-1-29, 525-680-1-28, 525-680-1-27, 525-680-1-5, 525-680-1-56, and a portion of 525-680-1-54

Area: Approximately eight acres

Owner: Numerous Property Owners

Agent of Applicant: N/A

Consultant(s): Dierdre Callaway, RRM Design Group

Environmental Review: A Mitigated Negative Declaration has been prepared for this project.

Existing General Plan: Community Commercial Center

Existing Zoning: C-C (I) Community Commercial, Irvington Overlay District

Existing Land Use: Commercial and residential buildings and associated parking

Public Hearing Notice: A total of 679 notices were mailed to owners and occupants of property within 300 feet of the site on the following streets: Washington Boulevard, Bay Street, Chapel Way, Papazian Way, and Trimboli Way. The notices to owners and occupants were mailed on May 28, 2004. A Public Hearing Notice was delivered to The Argus on May 24, 2004 to be published by May 27, 2004.

Executive Summary: The proposed project is a rezoning from C-C (I) Community Commercial Irvington Overlay District to a Preliminary Planned District (P-2004-277) and to consider recommending approval of the Bay Street Design Guidelines and Streetscape Plan.

Background and Previous Actions: The Metropolitan Transportation Commission (MTC) offers a grant program (Transportation for Livable Communities) for planning projects that integrate walking, transit, and bike riding into the community design, and stimulate the compact development of housing, downtowns and regional activity centers. In October 2002 the City Council authorized staff to submit a grant application to the MTC for a proposed Bay Street Planning and Implementation project. The grant was awarded to the City for planning and implementation work related to a future Bay Street streetscape project. The intent was to use the grant to develop a concept design and implementation plan for the future streetscape. The concept plan would be the basis of a future grant application for a portion of the construction costs of the improved streets.

A steering committee consisting of local community members, staff, and a design consultant, RRM Design Group, has developed the proposed Preliminary Planned District, Bay Street Design Guidelines and Streetscape Plan. Comments have been continuously incorporated into the proposed project as staff has been presenting and reviewing the plan with interested persons, interest groups, organizations and the City Council, Boards and Commissions. The proposed project was reviewed through a series of six community meetings. Study sessions were also held with HARB, Planning Commission, and City Council. The final community meeting on the Bay Street project was held on May 12, 2004.

Project Description: The proposed project is a rezoning from C-C (I) Community Commercial Irvington Overlay District to a Preliminary Planned District (P-2004-277) and to consider recommending approval of the Bay Street Design Guidelines and Streetscape Plan. The Planned District and the Bay Street Design Guidelines and Streetscape Plan seek to create a pedestrian-friendly commercial and residential mixed use area in keeping with the scale and character of the historic buildings in the vicinity of Five Corners and Irvington Monument Park. The streetscape schematic design shows in detail how the street could be improved with landscaping, crosswalks, street widening, parking arrangements, utility undergrounding, lighting, and street furniture. The plan also seeks to provide adequate parking to serve the anticipated residential and commercial retail development of the future. The Planned District also sets standards (including uses, setbacks, floor area ratio, parking, etc.) for future commercial or mixed use development. The Design Guidelines strive to reinforce the historic patterns of the Five Corners area but not to imitate the style. The prime objective of the Design Guidelines is to intensify the building presence along the street frontage and create a distinctive and attractive pedestrian experience.

PROJECT ANALYSIS:

General Plan Conformance: The existing General Plan land use designation for the project site is Community Commercial. There are several sites within the project area designated "Primary Historic Resource". The proposed project is consistent with the existing General Plan land use designation for the project site because the proposed regulations and streetscape design will encourage commercial and mixed use development in the area. The following General Plan Goals, Objectives and Policies are applicable to the proposed project:

F6 A UNIFIED CITY WITH THRIVING DISTRICTS AND EMERGING COMMUNITIES, EACH WITH ITS OWN IDENTITY.

Goal LE 3: A hierarchy of well-defined, vital commercial areas meeting the retail shopping, entertainment and service needs of Fremont residents.

Policy LU 2.14: A Community Commercial Center should be a pedestrian oriented commercial environment. To maintain an active pedestrian environment, buildings oriented toward sidewalks or public plazas and walkways shall be strongly encouraged. Retail uses shall be encouraged at the ground level.

Policy LU 2.17: Each of the four historic commercial centers shall be oriented toward pedestrians to the degree feasible. New development should strengthen the "Main Street" character of these areas. Projects should be planned to create active pedestrian frontages oriented towards sidewalks, streets, or when appropriate, towards a public plaza.

Policy LU 2.18: Where appropriate, buildings shall be oriented toward the street and sidewalk. Whenever feasible, parking should be at the rear of buildings or in joint parking areas rather than in front of buildings and businesses.

The proposed project encourages buildings oriented toward the sidewalks and pedestrian activity. New buildings and building expansions will be required to have ground floor retail or office uses. Diagonal parking on the street is proposed for the southerly side of Bay Street. This proposal may eliminate the many curb cuts for individual driveways and the current parking at the front of the businesses if the City Council decides to proceed with that aspect of the project. Additionally, staff is in discussion to develop a joint use public parking lot with the Post Office.

Redevelopment Plan Conformance: The proposed project area is located in the Irvington Redevelopment Area and more specifically within the commercial core of Irvington. The proposed Preliminary Planned District and Bay Street Design Guidelines and Streetscape Plan meets several Irvington Redevelopment goals and objectives including the following:

- The elimination of adverse physical and economic conditions within the (*Irvington*) Project Area.
- The enhancement of the historic business district in Irvington, including the attraction and retention of neighborhood-serving commercial facilities, and the attraction of restaurants and specialty retail uses to make Irvington a destination point for workers in the industrial and other areas of Fremont.
- The use of historic resources and heritage as catalysts to stimulate the revitalization of the business district of Irvington.
- The promotion of pedestrian-oriented uses and spaces especially in the business district.
- The improvement of safe and convenient pedestrian and bicycle circulation throughout the (*Irvington*) Project Area.
- The encouragement of parking consolidation and development of new parking within the business district to provide adequate and convenient parking, in a manner sensitive to the rights and needs of property owners, while enhancing public access to the historic business district.
- The development of a harmonious, unified streetscape in the historic business district of Irvington, including lighting, signage, street trees and furniture, and other design elements.

The proposed Preliminary Planned District and Bay Street Design Guidelines and Streetscape Plan will provide a harmonious and unified streetscape on Bay Street including providing sidewalk and crosswalks where there is none and undergrounding the overhead utilities, which will improve the streetscape. The design also incorporates traffic calming devices such as bulb-outs at crosswalks and a raised traffic table at the Bay Street/Trimboli Way intersection to make the area more pedestrian friendly. Bicycle racks are provided at several locations on Bay Street, which will improve bicycle circulation. The Planned District and Design Guidelines encourage commercial and mixed use development through enhanced streetscape improvements, increased floor area ratios, and parking incentives.

Zoning Regulations: The proposed project is a City-initiated rezoning to Preliminary Planned District (P-2004-277). The proposed Planned District incorporates allowed uses and establishes floor area ratios, setbacks, height limits, parking standards with incentives, and sign regulations. The Planned District describes the proposed streetscape improvements and incorporates the Design Guidelines by reference. The Planned District establishes the entitlement process for future development. Implementation provisions of the Planned District include an implementation period starting from the adoption of the Planned District and ending with the possible award of a contract for construction of the proposed street improvements. The implementation measures address FAR calculation, setbacks, and the parking credit for each parcel on the south side of Bay Street between Trimboli Way and Chapel Way.

Historic Conservation: The Planned District text specifically states "Any development on properties identified as Primary Historic Resources and any changes to the exterior of these buildings are subject to Irvington Design Guidelines for Primary Historic structures and subject to review by the Historical Architectural Review Board (HARB). The Parking Waiver for Primary Historic Resources encourages the continued active use of these resources." The review process for development in the Bay Street Planned District also calls for HARB to review projects for exterior changes, additions, or possible impacts to historic buildings only. The proposed project does change the current review process regarding historic resources. The process of designating a site or building as a Primary Historic Resource also remains the same.

FUTURE PROCESS:

Project Funding: The Metropolitan Transportation Commission's Transportation for Livable Communities (TLC) grant program, which has funded the Bay Street planning study, provides grants from \$500,000 to \$3 million to design and construct improvements such as streetscapes, bicycle facilities, and pedestrian plazas. Projects designed with MTC planning grant assistance usually can make a strong case for capital grant support. The grant program requires a 11.5% local agency match. The capital grant funding is from Federal Surface Transportation Program (STP) or Congestion Mitigation and Air Quality (CMAQ) Improvements Program Funds, and the federal-aid process applies to projects awarded the funding.

Staff will be seeking authorization from the City Council to apply for a TLC capital grant for construction of the project. With the TLC capital grant, and with additional Redevelopment funding proposed in the FY 2004-2005 Redevelopment Agency budget approved by the Redevelopment Agency board on May 25, 2004 and June 1, 2004, the project will be fully funded and the City Council will be able to decide whether to proceed with the project. Staff is seeking letters of support for the project from community members, affordable housing developers, transit agencies and elected officials to make the City's capital grant application more complete and compelling. The recommendations of the Historical Architectural Review Board and Planning Commission and the approval of the proposed plans by City Council will serve to document that there is community consensus around the plans. MTC plans to release a draft list of eligible projects in October 2004 and is expected to approve the program of projects in December 2004.

Design and Construction: If the proposed Streetscape Plan is funded through the TLC grant program and the City decides to proceed with the project, the City would be obligated to have CalTRANS authorize the City to proceed to construction by June 30, 2006. The City must fully design and engineer the streetscape construction project by April 1, 2006. Between the award of the grant and April 1, 2006, staff would need to complete the federal environmental review process, right-of-way acquisition, utility coordination and final design. There are no extensions to the June 30, 2006 deadline. Assuming CalTRANS authorization is obtained at this deadline, the City would be expected to proceed straight to construction. The first phase of work on Bay Street would likely be utility undergrounding. Construction of the actual street improvements may possibly not take place until 2007.

Maintenance: The streetscape design proposes greatly enhanced street improvements including bulbout features, street furniture, and colored stamped concrete that require a relatively high level of maintenance compared to standard street improvements. The project cannot rely upon an enhanced maintenance service of the area by regular City of Fremont maintenance crews. The City's maintenance capacity is currently extremely limited due to budget constraints. The solution contemplated by the project is to have property and/or business owners contribute to the maintenance of the improvements.

Staff has consistently set the expectation that property owners and business owners will need to contribute to maintenance of the enhanced street improvements. At the most recent Bay Street workshop, staff presented a draft comprehensive annual maintenance and operating budget for the street that amounted to approximately \$40,000 per year. A firm specializing in forming special assessment districts provided an introduction to business and property business improvement districts (BID or PBID). Such districts are self-assessment programs, within a public / private partnership framework, designed to revitalize commercial corridors by enhancing public services and providing non-government services. Assessments must be proportionate to the benefits received and the funds raised by the assessment go directly to the district, not the City general fund. Districts are formed by a majority vote of the properties included in the district and votes are weighted by the amounts of the assessments. All of the property owners in attendance at the recent workshop showed interest in creating a special assessment district for Bay Street to contribute to

the maintenance costs. The Bay Street Steering Committee is following up with all property owners along Bay Street to obtain letters of interest in support of the creation of a PBID for Bay Street. The recommendation to City Council regarding the final Bay Street plans will reflect the level of support shown by the property owners in contributing to the maintenance of the improvements.

Environmental Analysis: An Initial Study and Draft Mitigated Negative Declaration has been prepared for this project. The environmental analysis identified concerns regarding potential impacts to Cultural Resources, Noise, and Air Quality. The Draft Negative Declaration includes mitigation measures to meet General Plan standards, which, if implemented, would reduce the identified impacts to non-significant levels. These mitigation measures will be included as a Mitigation Monitoring Plan. A more detailed description of the potential impacts and mitigation measures are provided within the Initial Study for the project, which is included as an enclosure.

The initial study conducted for the project has evaluated the potential for this project to cause an adverse effect -- either individually or cumulatively -- on wildlife resources. There is no evidence the proposed project would have any potential for adverse effect on wildlife resources because the project area is already developed. Based on this finding, a Certificate of Fee Exemption will be submitted with the Notice of Determination after project approval by the City Council, as required by Public Resources Code section 21089. The Certificate of Fee Exemption allows the project to be exempted from the review fee and environmental review by the California Department of Fish and Game.

A finding is proposed that this project would not have a significant effect on the environment based upon the implementation of the identified mitigation measures. Accordingly, a Draft Mitigated Negative Declaration and Mitigation Monitoring Plan has been prepared for consideration by Planning Commission.

Development Impact Fees: Subsequent development projects in the project area will be subject to Citywide Development Impact Fees. These fees may include fees for fire protection, capital facilities and traffic impact. Residential projects/units will also be subject to park facilities and park dedication in-lieu fees. These fees shall be calculated at the fee rates in effect at the time of building permit issuance.

ENCLOSURES:	Exhibit "B"	Bay Street Planned District Plan
	Exhibit "D"	Bay Street Streetscape Schematic Design Concept
	Exhibit "E"	Planned District Design Guidelines
		Initial Study and Draft Mitigated Negative Declaration

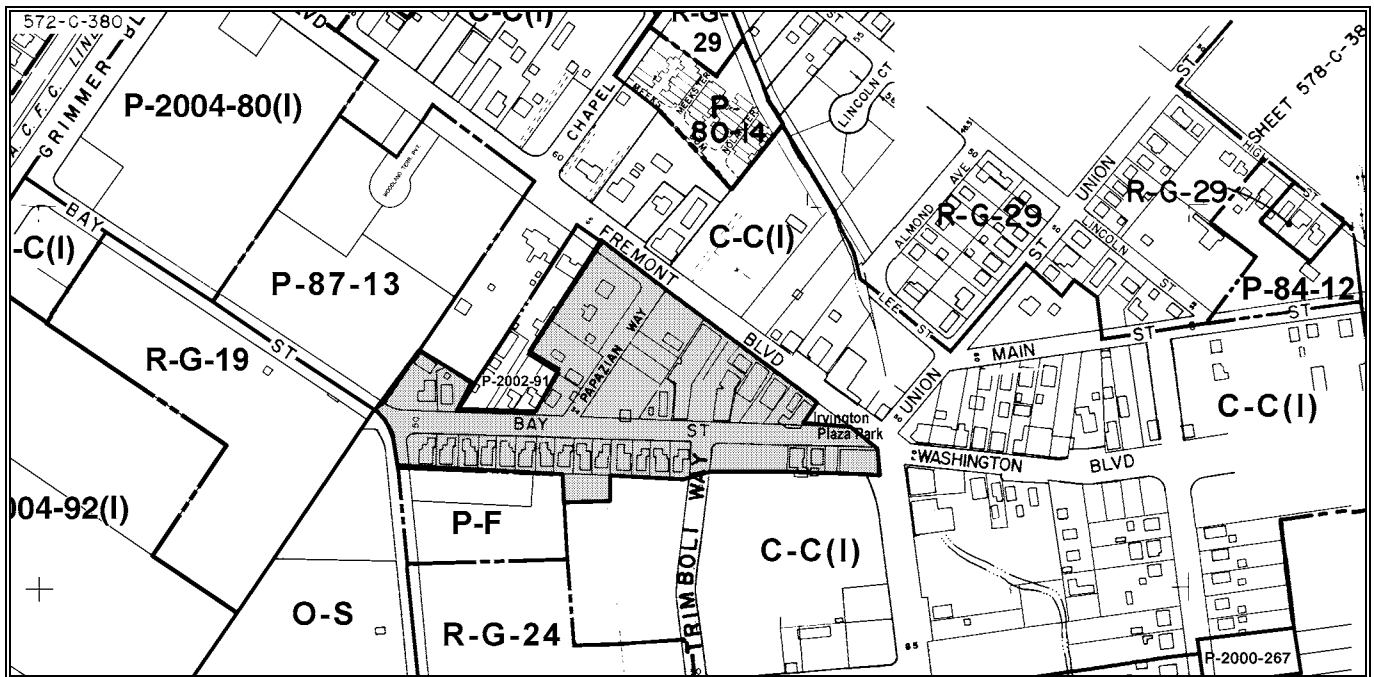
EXHIBITS:	Exhibit "A"	Rezoning Exhibit
	Exhibit "B"	Bay Street Planned District Plan
	Exhibit "C"	Planned District Findings and Conditions of Approval
	Exhibit "D"	Bay Street Streetscape Schematic Design Concept
	Exhibit "E"	Planned District Design Guidelines

Recommended Actions:

1. Hold public hearing.
2. Recommend the City Council find the initial study has evaluated the potential for this project to cause an adverse effect -- either individually or cumulatively -- on wildlife resources. There is no evidence the proposed project would have any potential for adverse effect on wildlife resources.
3. Recommend to the City Council the adoption of Draft Mitigated Negative Declaration finding that there is no substantial evidence that the project, as mitigated, will have a significant effect on the environment and further find that this action reflects the independent judgment of the City of Fremont.
4. Recommend to the City Council approval of the Mitigation Monitoring Plan for the project.

5. Recommend the City Council find that the project is in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use and Local Economy Chapters as enumerated within the staff report.
6. Recommend the City Council find that the project is in conformance with the goals and objectives of the Irvington Redevelopment Area as enumerated within the staff report.
7. Recommend the City Council approve PLN2004-00277 in conformance with Exhibit "A" (Rezoning Exhibit), Exhibit "B" (Bay Street Planned District Plan); Exhibit "C" (Planned District Findings and Conditions of Approval); Exhibit "D" (Bay Street Streetscape Schematic Design Concept); Exhibit "E" (Planned District Design Guidelines).

Existing Zoning
Shaded Area represents the Project Site



Existing General Plan

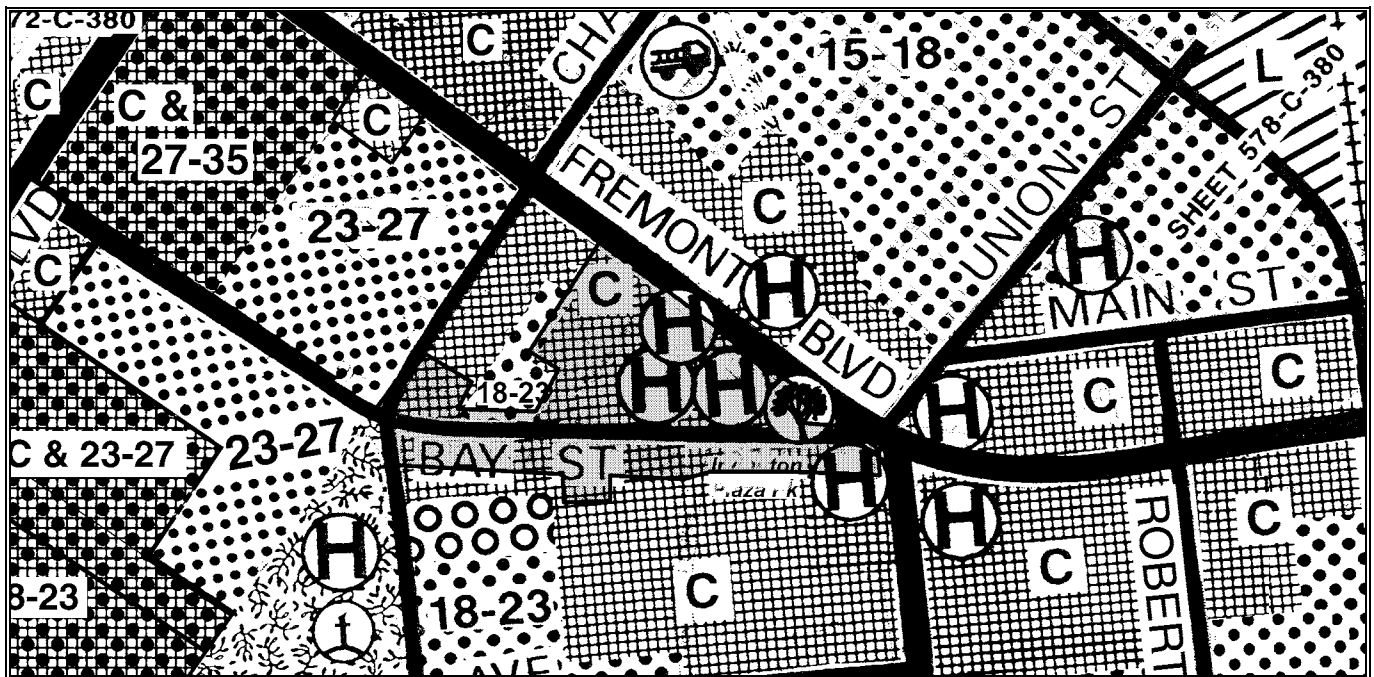


Exhibit "C"
Conditions of Approval for PLN2004-00277

FINDINGS

The following findings are made based upon the information contained in the staff report as well as information presented at the public hearing, incorporated hereby:

1. The property is designated in the General Plan as having relatively unique features and because of the need for specific design to achieve the objectives of such special general plan designations, the property can best be developed as a Planned District.
2. The uniqueness of the historical character, challenges presented by smaller lots typical of older developments, and the relationship to adjacent parcels is such that the project area can best be developed as a Planned District.
3. That the project site is suitable for and of sufficient size to be planned and developed to create a desirable development in the project area through variations in siting and mixed land uses. The project will have a beneficial effect that could not be achieved under a standard zoning district because the Planned District will allow the development the flexibility necessary to respond to the unique constraints found at this location.
4. That the existing streets and thoroughfares and required on-site improvements are suitable and adequate to carry anticipated traffic, and anticipated future potential for site development will not generate traffic in such amounts as to overload the street network outside the "P" district because the site is suitable for the proposed use.
5. That the area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development. This project area is an infill development, with the land surrounding this site already developed.
6. That existing or proposed utility services are adequate for the population densities proposed. None of the responsible utility companies have stated they will be unable to provide the required services to the site.
7. All public improvements or facilities required as a part of this approval are directly attributable to the proposed development, and are required for reasons related to public health, safety and welfare.

CONDITIONS:

1. To mitigate the identified air quality impacts of grading and construction, dust suppression measures shall be incorporated into the project conditions of approval and construction drawings. Dust generated on the project site shall be controlled by watering all exposed areas at least twice daily during excavation, and especially during clearing and grading operations. Additional watering on windy or hot days is required to reduce dust emissions. Stockpiles of sand, soil, and similar materials shall be covered with a tarp. Cover trucks hauling dirt or debris to avoid spillage. Paving and/or landscaping shall be completed as soon as feasible to reduce the time bare surfaces and soils are exposed. Dust emissions during construction will be minimized through the application of water required by the project specifications.
2. In the event of discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to contain adjacent remains. Sponsor shall notify the Alameda County Coroner who shall make a determination as to whether the remains are Native American. If the coroner determines that the remains are not subject to his authority, he or she shall

notify the Native American Heritage Commission, who will attempt to identify descendants of the deceased. If no satisfactory agreement can be reached as to disposition of the remains pursuant to State law, the landowner shall rebury the remains and any associated items on the property in a location not subject to further subsurface disturbance.

3. All construction equipment used on the project should be adequately muffled and maintained. Construction activities shall be limited to the following hours of operation: 7 a.m. to 7 p.m. Monday through Friday; 9 a.m. to 6 p.m. Saturday; No Construction Activities on Sunday.

EXHIBIT “A”

Attached to and made a part of

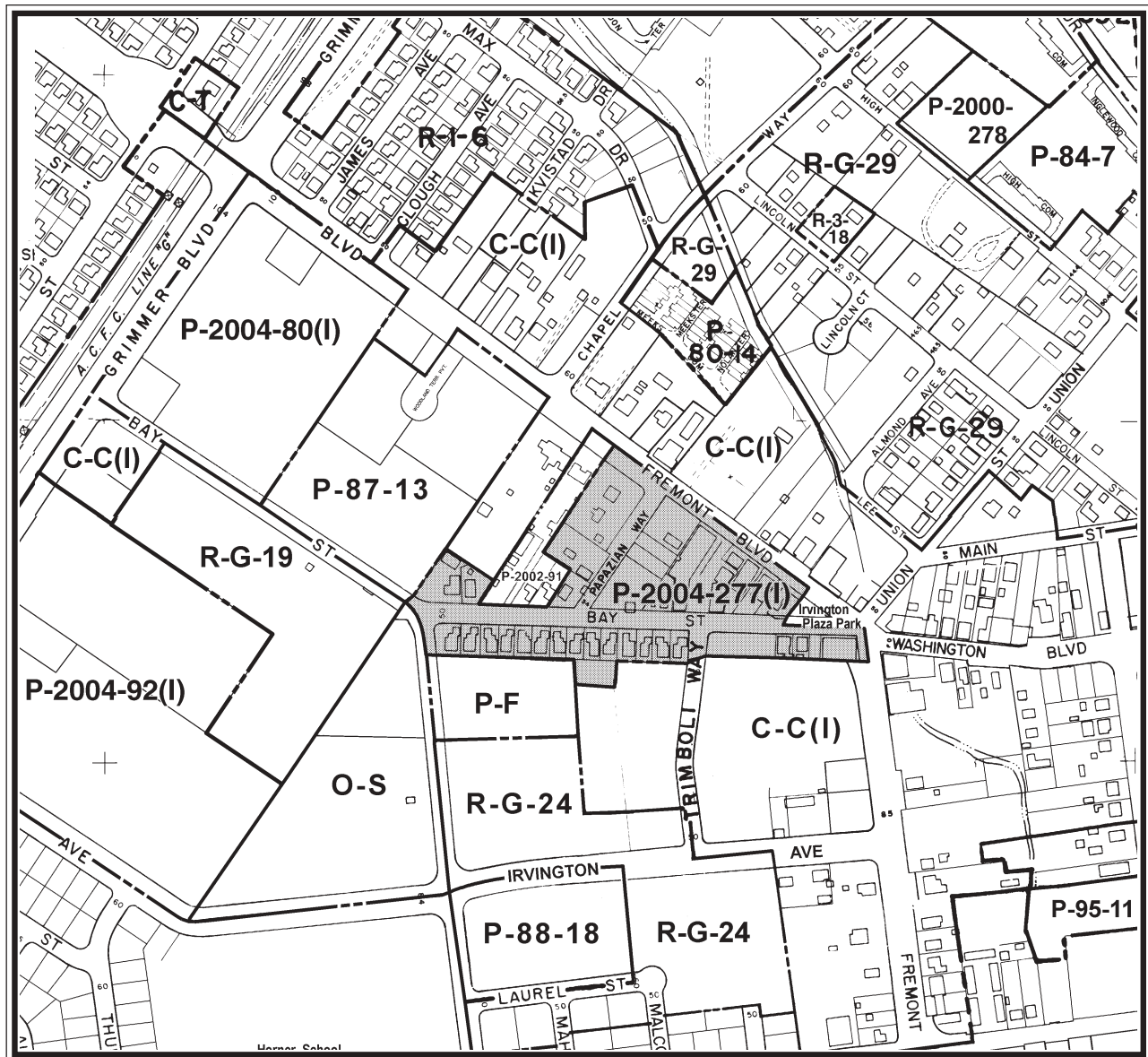
Ordinance No. _____

adopted by the City Council of the City of Fremont, California

On the _____ **day of** _____, **20 04** .

ZONING MAP (SECTION)

AFFECTS ZONING MAP(S) FOR THE IRVINGTON PLANNING AREA



From: C-C(I)

To: P-2004-277(I)

Project Name: Bay Street Planned District

Project Number: PLN2004-00277 (Rez)

[pc on 06-10-04] 72-376, 72-380

BSM